

# Sage Legal LLC

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December 17, 2025

## VIA ECF

United States District Court  
Eastern District of New York  
Attn: Hon. James R. Cho, U.S.M.J.  
225 Cadman Plaza East, Courtroom 11D  
Brooklyn, NY 11201-1804

**Re:     Graziano, *et ano* v. MBLIC Motors LLC, *et ano***  
**Case No.: 1:25-cv-2943 (NGG) (JRC)**  
**Consent Letter Motion to Adjourn Conference**

Dear Judge Cho:

This firm represents the Defendant MBLIC Motors LLC d/b/a Empire Cadillac (hereinafter the “Defendant” or the “Dealership”) in the above-referenced case. Defendant writes to respectfully request an adjournment of the motion hearing scheduled for tomorrow, December 18, 2025 at 2:00 PM.

Pursuant to ¶ C(2) of this Court’s Individual Practices, Defendant respectfully submits that:

- (i)     the original date of this motion hearing is referenced *supra*;
- (ii-iii) there has been no previous request for an adjournment of this conference;
- (iv)    Plaintiff consents to the requested adjournment; and
- (v)     Defendant does not believe this request affects any other scheduled Court appearance or deadline.

The reason for the request is because your undersigned must attend a funeral and burial on Thursday, December 18, 2025 followed by a shiva in the evening, all of which will take place in Queens County, New York. Defendant respectfully submits that good cause and excusable neglect exists based on the foregoing circumstances. See Fed. R. Civ. P. 6(b)(1)(B).

Further, counsel for the respective parties have conferred via email and Defendant has already proposed four (4) mediators in order to conduct a mediation. Further, the loan on the Jeep in question has already been fully paid off.

Moreover, while Plaintiff consents to the adjournment request, Plaintiff did not agree to withdraw his motion for sanctions. Defendant opposes Plaintiff’s motion for sanctions for failure to respond to the Court’s November 19, 2025 Order, by not timely responding to Plaintiff’s motion to compel them to select three (3) mediators.

As an initial matter, the motion must be denied for failure to comply with Local Civil Rule 7.1, which requires that a motion for sanctions be made by a formal notice of motion with memorandum of law in support. Since this motion was filed by letter in violation of the Local Civil Rules, it should be denied on that ground alone.

Moving to the substance of the motion, Plaintiff fares no better. The reason Defendant was unable to sooner do so is because your undersigned has been tied up with depositions and a summary judgment motion in the matter of Fernandez v. Bulldozer Hospitality Group, Inc., et al.; Case No.: 1:25-cv-4490 (AS) (GS), which required depositions on Monday, December 8, 2025 and Wednesday, December 10, 2025, with the motion for summary judgment due on Friday, December 12, 2025, all of which required substantial time to prepare. Further, the principal with which I discuss this matter at the dealership had a child and was out of the office on parenting leave, further resulting in delays. In light of the foregoing circumstances, as well as the fact that Defendant has since selected and provided four (4) mediators for Plaintiff's review, militate in favor of denying Plaintiff's request for sanctions. Indeed, Rule 6 of the Federal Rules of Civil Procedure excuse a party's failure to comply with a deadline upon a showing of good cause and excusable neglect, which Defendant respectfully submits is present here.

Accordingly, Plaintiff's motion should be denied, and Defendant's motion to adjourn tomorrow's conference should be granted on consent. Defendant thanks this honorable Court for its time and attention to this case.

Dated: Jamaica, New York  
December 17, 2025

Respectfully submitted,  
**SAGE LEGAL LLC**  
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